

112TH CONGRESS  
1ST SESSION

# H. R. 3321

To facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2011

Mr. HERGER introduced the following bill; which was referred to the  
Committee on Transportation and Infrastructure

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## A BILL

To facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “America's Cup Act  
5       of 2011”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

1           (1) 34TH AMERICA’S CUP.—The term “34th  
2       America’s Cup”—

3           (A) means the sailing competitions, com-  
4       mencing in 2011, to be held in the United  
5       States in response to the challenge to the de-  
6       fending team from the United States, in accord-  
7       ance with the terms of the America’s Cup gov-  
8       erning Deed of Gift, dated October 24, 1887;  
9       and

10          (B) if a United States yacht club success-  
11       fully defends the America’s Cup, includes addi-  
12       tional sailing competitions conducted by Amer-  
13       ica’s Cup Race Management during the 1-year  
14       period beginning on the last date of such de-  
15       fense.

16          (2) AMERICA’S CUP RACE MANAGEMENT.—The  
17       term “America’s Cup Race Management” means the  
18       entity established to provide for independent, profes-  
19       sional, and neutral race management of the Amer-  
20       ica’s Cup sailing competitions.

21          (3) ELIGIBILITY CERTIFICATION.—The term  
22       “Eligibility Certification” means a certification  
23       issued under section 4.

1           (4) ELIGIBLE VESSEL.—The term “eligible ves-  
2       sel” means a competing vessel or supporting vessel  
3       of any registry that—

4           (A) is recognized by America’s Cup Race  
5       Management as an official competing vessel, or  
6       supporting vessel of, the 34th America’s Cup,  
7       as evidenced in writing to the Administrator of  
8       the Maritime Administration of the Department  
9       of Transportation;

10          (B) transports not more than 25 individ-  
11       uals, in addition to the crew;

12          (C) is not a ferry (as defined under section  
13       2101(10b) of title 46, United States Code);

14          (D) does not transport individuals in point-  
15       to-point service for hire; and

16          (E) does not transport merchandise be-  
17       tween ports in the United States.

18       (5) SUPPORTING VESSEL.—The term “sup-  
19       porting vessel” means a vessel that is operating in  
20       support of the 34th America’s Cup by—

21          (A) positioning a competing vessel on the  
22       race course;

23          (B) transporting equipment and supplies  
24       utilized for the staging, operations, or broadcast  
25       of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

**SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.**

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America's Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

**SEC. 4. CERTIFICATION.**

(a) REQUIREMENT.—A vessel may not operate under section 3 unless the vessel has received an Eligibility Certification.

(b) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or

1 her sole discretion, meets the requirements set forth in  
2 section 2(4).

3 **SEC. 5. ENFORCEMENT.**

4       Notwithstanding sections 55102, 55103, and 55111  
5 of title 46, United States Code, an Eligibility Certification  
6 shall be conclusive evidence to the Secretary of the De-  
7 partment of Homeland Security of the qualification of the  
8 vessel for which it has been issued to participate in the  
9 34th America's Cup as a competing vessel or a supporting  
10 vessel.

11 **SEC. 6. PENALTY.**

12       Any vessel participating in the 34th America's Cup  
13 as a competing vessel or supporting vessel that has not  
14 received an Eligibility Certification or is not in compliance  
15 with section 12112 of title 46, United States Code, shall  
16 be subject to the applicable penalties provided in chapters  
17 121 and 551 of title 46, United States Code.

18 **SEC. 7. WAIVERS.**

19       (a) IN GENERAL.—Notwithstanding sections 12112  
20 and 12132 and chapter 551 of title 46, United States  
21 Code, the Secretary of the department in which the Coast  
22 Guard is operating may issue a certificate of documenta-  
23 tion with a coastwise endorsement for each of the following  
24 vessels:

1 (1) M/V GEYSIR (United States official num-  
2 ber 622178).

3 (2) MACY–RENEE (United States official  
4 number 1107319).

5 (3) OCEAN VERITAS (IMO number  
6 7366805).

7 (4) LUNA (United States official number  
8 280133).

9 (5) IL MORO DI VENEZIA IV (United States  
10 official number 1028654).

11 (b) DOCUMENTATION OF LNG TANKERS.—

12 (1) IN GENERAL.—Notwithstanding sections  
13 12112 and 12132 and chapter 551 of title 46,  
14 United States Code, the Secretary of the department  
15 in which the Coast Guard is operating may issue a  
16 certificate of documentation with a coastwise en-  
17 dorsement for each of the following vessels:

18 (A) LNG GEMINI (United States official  
19 number 595752).

20 (B) LNG LEO (United States official  
21 number 595753).

22 (C) LNG VIRGO (United States official  
23 number 595755).

24 (2) LIMITATION ON OPERATION.—Coastwise  
25 trade authorized under paragraph (1) shall be lim-

1       ited to carriage of natural gas, as that term is de-  
2       fined in section 3(13) of the Deepwater Port Act of  
3       1974 (33 U.S.C. 1502(13)).

4               (3) TERMINATION OF EFFECTIVENESS OF EN-  
5       DORSEMENTS.—The coastwise endorsement issued  
6       under paragraph (1) for a vessel shall expire on the  
7       date of the sale of the vessel by the owner of the ves-  
8       sel on the date of enactment of this Act to a person  
9       who is not related by ownership or control to such  
10      owner.

11      (c) OPERATION OF A DRY DOCK.—A vessel trans-  
12     ported in Dry Dock #2 (State of Alaska registration  
13     AIDEA FDD-2) is not merchandise for purposes of sec-  
14     tion 55102 of title 46, United States Code, if, during such  
15     transportation, Dry Dock #2 remains connected by a util-  
16     ity or other connecting line to pierside moorage.

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